

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA (RICHMOND DIVISION)

KLEANTHIS ANDREADAKIS

Plaintiff,

v.

CENTERS FOR DISEASE
CONTROL & PREVENTION, *et al.*,

Defendants.

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Case No. 3:22-cv-052

The Hon. Judge David J. Novak

AIRLINE DEFENDANTS' AMENDED APPENDIX A TO MOTION TO TRANSFER

Defendants American Airlines, Inc., JetBlue Airways Corp., Southwest Airlines Co., and United Airlines, Inc. ("Airline Defendants"), by and through undersigned counsel, respectfully file the enclosed Amended Appendix A to their MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO TRANSFER LITIGATION TO THE MIDDLE DISTRICT OF FLORIDA, Doc. 23. Appendix A to Doc. 27 contains a summary of the allegations in (1) Case No. 21-cv-00975-PGB-DCI (M.D. Fla.); (2) Case No. 21-cv-01008-PGB-DCI (M.D. Fla.); and (3) this case. Doc. 27, at pages 19-27. The case numbers for the first two cases were juxtaposed. The first case number should be 21-cv-00975-PGB-DCI and the second case number should be 21-cv-01008-PGB-DCI. The corrected version is attached.

Dated: February 14, 2022

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this 14th day of February 2022, I electronically filed the foregoing Amended Appendix A through the CM/ECF system, which will send notification to the registered participants as identified on the Notice of Electronic Filing, including a copy to Kleanthis Andreadakis, at the following email address: MrRadioActive@protonmail.com

/s/ Joshua Cox
Joshua Cox

AMENDED APPENDIX A CHART

1. <i>Wall v. CDC, HHS, Central Florida Regional Trans. Auth., and Greater Orlando Aviation Auth.</i>, No. 6:21-cv-00975-PGB-DCI (M.D. Fla.) – Amended Complaint (Doc. 188), filed 12/26/21 (Original Complaint filed 6/7/21)	Count 1	Violation of the Administrative Procedure Act against Defendants CDC & HHS: The FTMM exceeds the agencies’ statutory authority under the Public Health Service Act.
	Count 2	Violation of the Administrative Procedure Act against Defendants CDC & HHS: failure to observe the notice-and-comment procedure required by law before ordering the FTMM.
	Count 3	Violation of the Administrative Procedure Act against Defendants CDC & HHS.
	Count 4	Violation of the separation of powers against Defendants CDC & HHS: The FTMM is an improper delegation of legislative power.
	Count 5	Violation of the 10th Amendment against Defendants CDC & HHS: The FTMM applies to intrastate transportation in direct conflict with the mask policies of 44 states, infringes on the states’ sovereign police power to regulate public health, and commandeers state officials to enforce a federal order.
	Count 6	Violation of the Fifth Amendment against Defendants CDC & HHS: deprivation of due process by assigning FTMM enforcement and exemption powers to private companies as well as state, regional, and local agencies with no ability to appeal to a federal decisionmaker.
	Count 7	Violation of the constitutional right to freedom of travel against Defendants CDC & HHS: The FTMM blocks Americans who can’t or won’t wear a face mask from traveling.

	Count 8	Violation of the Air Carrier Access Act against Defendants CDC & HHS: The FTMM does not comply the ACAA and its underlying regulations.
	Count 9	Violation of the Administrative Procedure Act against Defendants CDC & HHS: The ITTR exceeds the agencies' statutory authority under the Public Health Service Act.
	Count 10	Violation of the Administrative Procedure Act against Defendants CDC & HHS: failure to observe the notice-and-comment procedure required by law before ordering the ITTR.
	Count 11	Violation of Administrative Procedure Act against Defendants CDC & HHS: arbitrary and capricious agency action in ordering the ITTR.
	Count 12	Violation of the separation of powers against Defendants CDC & HHS: The ITTR is an improper delegation of legislative power.
	Count 13	Violation of Florida law against Defendant GOAA: Requiring passengers to wear face coverings in defiance of Executive Order 21-102.
	Count 14	Violation of Florida law against Defendant LYNX: Requiring passengers to wear face coverings in defiance of Executive Order 21-102.
2. <i>Wall v. Southwest Airlines, Alaska Airlines, Delta Air Lines, Spirit Airlines, Frontier, Airlines, JetBlue Airways, and Allegiant Air</i>, No. 6:21-cv-01008-PGB-DCI (M.D. Fla.) – Amended Complaint (Doc. 61), Filed 9/13/21 (Original Complaint filed 6/14/21)	Count 1	Conspiracy to Interfere with Civil Rights.

	Count 2	Neglecting to Prevent Interference with Civil Rights.
	Count 3	Violation of the Rehabilitation Act.
	Count 4	Violation of Federal Law: Refusing to Provide Mask Exemptions.
	Count 5	Violation of Federal Regulation: Requiring Passengers Not Known to Have a Communicable Disease to Wear a Face Covering.
	Count 6	Violation of Federal Regulation: Banning Passengers for Asserting Their Rights Under the ACAA.
	Count 7	Violation of Federal Regulation: Requiring Passengers Seeking Mask Exemptions to Do So in Advance.
	Count 8	Violation of Federal Regulation: Refusing Transportation Solely on the Basis of a Passenger's Disability.
	Count 9	Violation of Federal Regulation: Requiring a Medical Certificate from Disabled Passengers Who Ask for a Mask Exemption.
	Count 10	Violation of Federal Regulation: Requiring Disabled Passengers Needing a Mask Exemption to Undergo a Medical Screening.
	Count 11	Violation of Federal Regulation: Requiring Disabled Passengers Who Seek a Mask Exemption to Submit a Negative COVID-19 Test for Each Flight When Nondisabled Customers Aren't Subject to This Same Requirement.
	Count 12	Count 12: Violation of Federal Regulation: Limiting the Number of Disabled Passengers with Mask Exemptions on a Flight.
	Count 13	Violation of Federal Regulation: Banning Mask-Exempt Passengers from Flying if a Plane Is More than a Certain Percentage Full.
	Count 14	Violation of the Federal Regulation: Changing the Seat Assignment of a Mask-Exempt Passenger without His/Her Consent.

	Count 15	Violation of Federal Regulation: Forcing a Disabled Passenger to Disclose His/Her Medical Conditions.
	Count 16	Violation of Federal Regulation: Refusing Transportation to Disabled Passengers Who Are Healthy & Don't Pose a Direct Threat to Anyone.
	Count 17	Breach of Contract: Forcing Passengers to Wear Masks When They Never Agreed to Do So in the Contract of Carriage.
	Count 18	Reckless Endangerment: Forcing Passengers to Wear Masks in Violation of the Food, Drug, & Cosmetic Act that Are Experimental Medical Devices Proven to Harm Human Health.
	Count 19	Battery.
	Count 20	Invasion of Privacy.
	Count 21	Practicing Medicine without a License.
	Count 22	Intentional Infliction of Emotional Distress.
	Count 23	Deceptive & Misleading Trade Practices.
	Count 24	Fraudulent Misrepresentation.
	Count 25	False Imprisonment.
	Count 26	Nuisance.
	Count 27	Infringement on the Constitutional Right to Travel.
	Count 28	Violation of International Law: International Covenant on Civil & Political Rights.
	Count 29	Violation of International Law: Convention on International Civil Aviation.
	Count 30	Violation of International Law: Convention on the Rights of Persons with Disabilities.

<i>Andreadakis v. CDC, et al.</i>, No. Case No. 3:22-cv-52 (E.D. Va.) – Complaint filed 1/28/22	Count 1	Violation of the Administrative Procedure Act against Defendants CDC and HHS: The FTMM exceeds CDC and HHS’ statutory authority under the Public Health Service Act.
	Count 2	Violation of the Administrative Procedure Act against Defendants CDC and HHS: Failure to observe the notice-and-comment procedure required by law before ordering the Federal Transportation Mask Mandate.
	Count 3	Violation of the Administrative Procedure Act against Defendants CDC and HHS: Arbitrary and capricious agency action in ordering the Federal Transportation Mask Mandate.
	Count 4	Violation of the separate of powers against Defendants CDC and HHS: The Federal Transportation Mask Mandate is an improper delegation of legislative power.
	Count 5	Violation of the 10th Amendment against Defendants CDC and HHS: the Federal Transportation Mask Mandate applies to intrastate transportation in direct conflict with the mask policies of 43 states, infringes on the states’ sovereign police power to regulate public health, and commandeers state officials to enforce a federal order.
	Count 6	Violation of the Fifth Amendment against Defendants CDC and HHS: Deprivation of due process by assigning Federal Transportation Mask Mandate enforcement and exemption powers to private companies as well as state, regional, and local agencies with no ability to appeal to a federal decisionmaker.
	Count 7	Violation of the constitutional right to freedom of travel against Defendants CDC and HHS: The Federal Transportation Mask Mandate blocks Americans who can’t or won’t wear a face mask from traveling.
	Count 8	Violation of the Administrative Procedure Act against Defendants CDC and HHS: The Federal Transportation Mask Mandate does not comply with the Air Carrier Access Act and its underlying regulations.
	Count 9	Violation of the Administrative Procedure Act against Defendants CDC and HHS: The Federal Transportation Mask Mandate violates federal law prohibiting the mandatory use of

		any medical device unauthorized or approved under an Emergency Use Authorization by the Food & Drug Administration.
	Count 10	Violation of the Administrative Procedure Act against Defendants CDC and HHS: The Federal Transportation Mask Mandate does not comply with the International Covenant on Civil & Political Rights.
	Count 11	Violation of the Administrative Procedure Act against Defendants CDC and HHS: The Federal Transportation Mask Mandate does not comply with the Convention on International Civil Aviation.
	Count 12	Violation of the Administrative Procedure Act against Defendants CDC and HHS: The International Traveler Testing Requirement exceeds the agencies' statutory authority under the Public Health Service Act.
	Count 13	Violation of the Administrative Procedure Act against Defendants CDC and HHS: failure to observe the notice-and-comment procedure required by law before ordering the International Traveler Testing Requirement.
	Count 14	Violation of the Administrative Procedure Act against Defendants CDC and HHS: arbitrary and capricious agency action in ordering the International Traveler Testing Requirement.
	Count 15	Violation of the separation of powers against Defendants CDC & HHS: The International Traveler Testing Requirement is an improper delegation of legislative power.
	Count 16	Violation of the constitutional right to freedom of travel against Defendants CDC and HHS: The International Traveler Testing Requirement interferes with American right to travel internationally.
	Count 17	Violation of the Administrative Procedure Act against Defendants CDC and HHS: The International Traveler Testing Requirement violates federal law prohibiting the mandatory use of any medical device unauthorized or approved under an Emergency Use Authorization by the Food & Drug Administration.

	Count 18	Violation of the Administrative Procedure Act against Defendants CDC and HHS: The International Traveler Testing Requirement does not comply with the International Covenant on Civil & Political Rights.
	Count 19	Conspiracy to interfere with civil rights against Defendants American, JetBlue, Southwest, United, and STAT-MD as well as the yet-to-be named Individual Defendants.
	Count 20	Neglecting to prevent interference with civil rights against the yet-to-be-named Individual Defendants.
	Count 21	Violation of the Rehabilitation Act against Defendants American, JetBlue, Southwest, and United.
	Count 22	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants American, JetBlue, Southwest, and United: Refusing to provide mask exemptions to the disabled.
	Count 23	Violation of the Air Carrier Access Act against Defendants American, JetBlue, Southwest, and United: Requiring passengers not known to have a communicable disease to wear a face covering.
	Count 24	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants American, JetBlue, Southwest, and United: Refusing transportation solely on the basis of a passenger's disability.
	Count 25	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants American, JetBlue, Southwest, and United: Refusing transportation to disabled passengers who are healthy and don't pose a direct threat to anyone.
	Count 26	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants American, JetBlue, Southwest, and United: Requiring passengers seeking mask exemptions to do so in advance.
	Count 27	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants JetBlue, Southwest, and United: Requiring a medical certificate from disabled passengers who ask for a mask exemption.
	Count 28	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendant Southwest: Requiring disabled

		passengers needing a mask exemption to undergo a medical screening.
	Count 29	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants American, JetBlue, Southwest, and United: Requiring disabled passengers who seek a mask exemption to submit a negative COVID-19 test for each flight when nondisabled customers aren't subject to this same requirement.
	Count 30	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants Southwest and United: Banning mask-exempt passengers from flying if a plane is more than a certain percentage full.
	Count 31	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants American and United: Changing the seat assignment of a mask-exempt passenger without his/her consent.
	Count 32	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendants JetBlue and Southwest: Limiting the number of disabled passengers on a flight.
	Count 33	Violation of the Rehabilitation Act and Air Carrier Access Act against Defendant JetBlue: Requiring the disabled who obtain a mask exemption to wear a face shield.
	Count 34	Violation of the Virginia Human Rights Act against Defendants American, JetBlue, Southwest, and United.
	Count 35	Breach of contract against Defendants American, JetBlue, Southwest, and United: American, JetBlue, and Southwest force passengers to wear masks when we never agreed to do so in the contract of carriage. United's contract terms requiring face coverings are legally unenforceable.
	Count 36	Reckless endangerment against Defendants American, JetBlue, Southwest, and United: Their mask policies have created chaos in the skies, recklessly endangering aviation safety; they ignore the massive evidence showing masks have proven totally ineffective at reducing COVID-19 spread but harm human health, recklessly endangering the well-being of all passengers; and they fail to comply with OSHA rules for face coverings.

	Count 37	Practicing medicine without a license against Defendants American, JetBlue, Southwest, and United: Prescribing the mandatory use of medical devices unauthorized or approved under an Emergency Use Authorization by the Food & Drug Administration.
	Count 38	Invasion of privacy against Defendants American, JetBlue, Southwest, and United: Forcing a disabled passenger to disclose his/her medical conditions as a condition of transportation.
	Count 39	Deceptive & Misleading Trade Practices against Defendants American, JetBlue, Southwest, and United.
	Count 40	Fraudulent Misrepresentation against Defendants American, JetBlue, Southwest, and United.
	Count 41	Infringement on the constitutional right to travel against Defendants American, JetBlue, Southwest, and United.
	Count 42	Violation of International Law against Defendants American, JetBlue, Southwest, and United: International Covenant on Civil & Political Rights.
	Count 43	Violation of International Law against Defendants American, JetBlue, Southwest, and United: Convention on International Civil Aviation.
	Count 44	Medical malpractice against Defendant STAT-MD.